

### **REMARKS**

Claims 1, 6, 9, 11, 15, 16, and 21-23 have been amended. Accordingly, claims 1-3, 6-12, 14-17, and 19-25 are currently pending in the application, of which claims 1, 11, 16, 21, and 22 are independent.

Applicant respectfully submits that the above amendments and new claim do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least in Figure 9 and at page 5, line 21 – page 6, line 2, page 11, lines 14-17 and page 16, lines 18-24 of the original specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1-3, 6-12, 14-16, 19-20, and 23-24 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0059379 applied for by Harvey, *et al.* ("Harvey"). Applicant respectfully traverses this rejection for at least the following reasons.

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

Harvey fails to disclose every feature of claims 1, 11, and 16.

Claim 1 has been amended to recite, *inter alia*:

in response to selection of the link provided on the first webpage, providing the

game program on a second webpage of the community on top of the first webpage (emphasis added).

Applicant respectfully notes that Harvey is silent as to any game program provided on a webpage. Harvey teaches that in order for a user to participate in an application or a game, the user should maintain a local copy of the application or the game at client 110, i.e., the user's PC 110 in paragraph [0136]. That is, the application or game of Harvey should be executed on the local client after the application or game is downloaded and installed on the local client. Harvey also describes that the executable component of the invitation is local to the user, i.e., on client 110 (see paras. [0127], [0128], and [0136]).

In addition, the Office Action contends at page 5 that Harvey shows in paragraphs [0133-0134] a program is rendered on a web browser. Applicant respectfully disagrees in view of the cited paragraphs of Harvey:

[0133] Otherwise, if the user does desire to authenticate the invitation application, processing continues at step 511. At step 511, the user may use a browser application (or some alternate means such as, for example FTP) to locate a website or other server storing a verification application. In one embodiment, the user enters the URL for the website (which may be stored at central controller module 115 or some other server). Once the connection with central controller module 115 (or another authenticating server) is established, the verification application is downloaded to client 110 at step 512. The user then executes the verification application locally and specifies the location of the invitation application being verified (step 513). In an embodiment of the invention, verification occurs using the MD-5 checksum algorithm of RSA. As a result, a checksum is generated based upon the coding of the application object. The checksum generated is transmitted to central controller module 115 (or other authenticating server) for comparison with known checksums for various invitation applications and versions thereof. At step 514, the website or authenticating server transmits a verification status to client 110 indicative of the verification results. If the checksums match, the website or authenticating server will transmit a response message indicating that the application object is valid. Otherwise, the response indicates that the application object may be invalid.

[0134] At step 520, if the response is indicative of an invalid invitation application, the user is alerted of the same via a message to client 110 at step 525 and the process terminates. Alternatively, if the invitation application is verified, the user is alerted of successful verification through a message at client 110 (step 518). In a preferred embodiment, the user next launches the invitation application (e.g. the executable component) which establishes a connection with central controller module 115. Central controller module 115 immediately initiates the community, or "lobby," executable and the user is placed in the community chat room (530). According to

another embodiment, a user may be presented a dialog box instead of being placed in a chat room. The lobby serves as the entry point into the gaming environment. Alternatively, it is possible for the verification invitation application to be designed to automatically invoke the connection and launch the application upon successful verification.

As can be found from the above, not only is the verification application of Harvey not a game program because it is only provided to verify an invitation application, but also is downloaded to a client system, and the user is required to execute it locally. Therefore, Harvey does not fairly disclose or teach providing a game program on a webpage, much less providing a game program on a second webpage of the community on top of the first webpage of the community.

Claims 11 and 16 have been amended to recite, *inter alia*:

the game program is provided on a second webpage of the community on top of the first webpage (emphasis added).

For similar reasons advanced with respect to claim 1, Harvey fails to teach at least these features of independent claims 11 and 16.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 11, and 16. Claims 2-3, 6-12, 14, 15, 17, 19, and 20 depend from claim 1, 11, or 16 and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1, 11, and 16, and all the claims that depend therefrom are allowable.

***Rejections Under 35 U.S.C. § 103***

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harvey and further in view of U.S. Patent No. 6,015,348 issued to Lambright, *et al.* ("Lambright"). Applicant respectfully traverses this rejection for at least the following reasons.

Applicant respectfully submits that claim 16 is allowable over Harvey, and Lambright fails to cure the deficiencies of Harvey noted above with regard to claim 16. Hence, claim 17 is allowable at least because they depend from an allowable claim 16.

Claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harvey and further in view of U.S. Patent No. 6,352,479 issued to Sparks, II ("Sparks"). Applicant respectfully traverses this rejection for at least the following reasons.

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966) ("*Graham*").

In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007). The Federal Circuit requires that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Finally, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest every claimed feature. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that even if combined, Harvey and Sparks fail to disclose or suggest every claimed feature.

Claims 21 and 22 have been amended to recite, *inter alia*:

the game program is provided on a second webpage of the community on top of the first webpage in response to selection of the link on the first webpage (emphasis added).

As discussed above, Harvey describes that the application or game is downloaded to and executed in the client 110. Sparks does not cure these deficiencies (see, for instance, col. 3, lines 7-9, "each of the user computer systems 18 includes stored game software, including software in which the present invention is embodied."). Consequently, Harvey, alone or in combination with Sparks, fails to disclose or suggest at least the aforementioned features of claims 21 and 22.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 21 and 22. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant submits that independent claims 21 and 22 are allowable.

**CONCLUSION**

A full and complete response has been made to the pending Office Action, and all of the stated objections and grounds for rejection have been overcome or rendered moot.

Accordingly, all pending claims are allowable, and the application is in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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Date: May 31, 2011

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